S.B.CIVIL TRANSFER PETITION NO.5/2006

Hitesh and Anr.
vs.
Praveen & Ors.

DATE OF ORDER ::: 19.1.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. V Bhadu, for the petitioners

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Heard learned counsel for the petitioners.

According to the petitioners, a suit for partition of the properties was filed and is pending before Additional District Judge No.2, Sri Ganganagar, another suit titled as M/s. Jai Ambey News Agency vs. Praveen Kumar & Ors. is pending in the Court of Additional Civil Judge (J.D.), Sri Ganganagar and one execution petition is pending in the Court of Special Judge, NDPS Court, Sri Ganganagar wherein objection petition under Section 47 CPC is also pending.

By this transfer petition, the petitioners are seeking transfer of all cases in one Court.

There is no reason for connecting the execution petition and the objection petition with the civil original suit in view of the fact that the the stage in the two cannot be same and the scope and jurisdiction of the courts

dealing with civil original suit and execution petition are entirely different, therefore, no case is made out for transfer of execution petition or objection petition to any Court.

So far as the suit title M/s. Jai Ambey News Agency vs. Praveen Kumar & Ors. is concerned, no sufficient particular is available on record about the subject matter and stage of suit, however, if the petitioners have any case for transfer of the said case pending in the Court of Additional Civil Judge (JD), Sri Ganganagar, they can move an application before the concerned District Court for transfer of the said case upon which the learned District Judge may after carefully looking to the facts of the case pass appropriate orders but there appears no reason to pass any order of transfer of the case by this Court.

Accordingly, this transfer petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya